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CALIFORNIA ENVIRONMENTAL PROTECTION ASSOCIATION

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 CALIFORNIA ENVIRONMENTAL
PROTECTION ASSOCIATION, a
13 private corporation,

14 Plaintiff,
v.

15 SONOMA SOIL BUILDERS, LLC
16 and DOES 1-10, inclusive,

17 Defendants.

CASE NO: 3:15-cv-04880 KAW

**EXPEDITED MOTION FOR RELIEF
FROM CASE MANAGEMENT
SCHEDULE; DECLARATION OF
JERRY BERNHAUT; ~~PROPOSED~~
ORDER
[Civil L. R. 16-2(d)]**

Case Mgmt Conf.: January 26, 2016

18
19 Plaintiff CALIFORNIA ENVIRONMENTAL PROTECTION ASSOCIATION hereby
20 moves for relief from the Order Setting Initial Case Management Conference and ADR
21 Deadlines issued by this Court on October 26, 2015, (Dkt #4) in that Plaintiff moves to extend
22 all deadlines set in said Order for period of sixty (60) days.

23
24 Dated: November 13, 2015

LAW OFFICE OF JERRY BERNHAUT

25 By: /s/ Jerry Bernhaut

26 Jerry Bernhaut

27 Attorney for Plaintiff

CALIFORNIA ENVIRONMENTAL
PROTECTION ASSOCIATION
28

DECLARATION OF JERRY BERNHAUT

1
2 1. I am co-counsel for Plaintiff California Environmental Protection Association
3 (“CEPA”) herein, have personal knowledge of all matters stated herein, and, if called as a
4 witness, could and would testify competently thereto.

5 2. This action is a complaint for injunctive relief, civil penalties, restitution and
6 remediation brought against Defendant for current and ongoing violations of the Clean Water
7 Act (“CWA”), 33 U.S.C. §1251 *et seq.* The action was filed on October 23, 2015. Attached as
8 Exhibit A to the initial Complaint is the April 30, 2015 Supplemental Notice of Violations and
9 Intent to File Suit served on Defendant. No appearance has been filed on behalf of named
10 Defendant.

11 3. On November 5, 2015, CEPA served named Defendant with a Second
12 Supplemental CWA 60-day notice encompassing additional violations of the CWA. The notice
13 was also served on Shiloh Oaks Company LLC, known to CEPA to be the owner of the real
14 property which is the subject of this litigation. Following the expiration of the 60-day hold period
15 (January 9, 2016) CEPA will amend its current Complaint to include the allegations set forth in
16 the November 5, 2015 Second Supplemental Notice and to add additional parties.

17 4. As the current scheduling Order sets a deadline to meet and confer under FRCP
18 26(f) by January 6, 2016 and an Initial Case Management Conference on January 26, 2016, I am
19 requesting all deadlines be extended for a period of sixty (60) days to allow CEPA the
20 opportunity to file and serve an amended Complaint, and for named defendants to file a
21 responsive pleading within the statutory time allowed.

22 5. The sixty (60) day continuance requested will not hinder or harm any proceedings
23 in this matter.

24 I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct and that this declaration was executed in Santa Rosa, California on
26 November 13, 2015.

27 /s/ Jerry Bernhaut
28 JERRY BERNHAUT

~~PROPOSED~~ ORDER

GOOD CAUSE APPEARING, it is hereby,

ORDERED, that the deadlines set forth in Order Setting Initial Case Management Conference and ADR Deadlines be extended as follows:

Last day to:

• meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan - March 1, 2016

• file ADR Certification signed by Parties and Counsel

• file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference

Last day to file Rule 26(f) Report, complete initial disclosures and File Case Management Statement - March 15, 2016

April 5, 2016

Initial Case Management Conference - ~~March 22, 2016~~
1:30 p.m. - 1301 Clay Street, Oakland CA 94612

Dated: 11/13/15


KANDIS A. WESTMORE
UNITED STATES MAGISTRATE JUDGE